

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Mercedes Bayon	Team: Team # 4	CCRB Case #: 201114703	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 11/11/2011 8:08 PM	Location of Incident: § 87(2)(b)	Precinct: 44	18 Mo. SOL 5/11/2013	EO SOL 5/11/2013	
Date/Time CV Reported Fri, 11/11/2011 8:18 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 11/11/2011 8:18 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Michele Hernandez	03706	930341	044 PCT
2. POF Jeannette Rivera	03561	933259	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Jeannette Rivera	Abuse: PO Jeannette Rivera stopped § 87(2)(b) and an individual named § 87(2)(b)	§ 87(2)(b)
B.POF Michele Hernandez	Abuse: PO Michele Hernandez searched § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
C.POF Michele Hernandez	Force: PO Michele Hernandez used physical force against § 87(2)(b) and an individual named § 87(2)(b)	§ 87(2)(b)

Case Summary

On November 11, 2011, § 87(2)(b) filed this complaint on behalf of herself, her two children, § 87(2)(b) and § 87(2)(b) as well as a family friend, § 87(2)(b) Unknown. On November 15, 2011, § 87(2)(b) provided a brief telephone statement regarding this incident.

On November 11, 2011, at approximately 8:08pm, § 87(2)(b) double parked her vehicle in front of § 87(2)(b) in the Bronx. § 87(2)(b) had groceries in her van and called her two children, § 87(2)(b) (§ 87(2)(b) -old) and § 87(2)(b) (§ 87(2)(b) -old) to come down stairs and help with the groceries. Her children were with a young male who she identified as "§ 87(2)(b)" (§ 87(2)(b) years-old). When they came to meet § 87(2)(b) outside of her apartment building, they each grabbed a bag filled with groceries and then proceeded to walk into the building. During this time, PO Hernandez and PO Rivera stopped § 87(2)(b) and § 87(2)(b) (**Allegation A**). § 87(2)(b) obtained the officer's names by reading it off of their uniforms and described that they were similar in appearance. PO Hernandez asked § 87(2)(b) and § 87(2)(b) what they were doing in the building and if they lived there. § 87(2)(b) approached and informed PO Hernandez that they were her children and explained that they were helping her take groceries up to her apartment. PO Hernandez gave § 87(2)(b) an attitude stating she did not care. PO Hernandez closed the door to the entrance of the building behind her leaving § 87(2)(b) standing outside. § 87(2)(b) observed that PO Hernandez searched § 87(2)(b) and § 87(2)(b) (**Allegation B**). § 87(2)(b) opened the door and was speaking to PO Hernandez repeating that they live there. PO Hernandez repeatedly screamed, "You can't be in the hallway. You are not allowed to loiter in the hallways." PO Hernandez then asked about § 87(2)(b) and § 87(2)(b) explained that he stays at her home on the weekends because his mother works nights. PO Hernandez then grabbed § 87(2)(b) by his jacket, pulled him down the stairs and said that he had to leave (**Allegation C**). § 87(2)(b) protested that PO Hernandez was not allowed to put her hands on them. At this time PO Hernandez became upset, told § 87(2)(b) that she had enough of hearing her speak and then told § 87(2)(b) they all had to leave the hallway and go inside of her apartment. PO Hernandez grabbed § 87(2)(b) by her hand and pulled her into the hallway and told them to all go upstairs (**Allegation C**). § 87(2)(b) informed PO Hernandez that she had groceries outside and could not leave them unattended and told PO Hernandez that she did not have to become physical with them. § 87(2)(b) stated that people had been entering and exiting the building during this time. She did not recall who specifically. She only recalled that there was a female names § 87(2)(b) present who witnessed the incident; however, she did not have her contact information.

A CTS search identified PO Michele Hernandez and PO Jeannette Rivera who are Hispanic females and are assigned to the 44th Precinct. § 87(2)(g)

On November 15, 2011, the undersigned investigator called § 87(2)(b) and § 87(2)(b) answered the telephone at which time she provided a telephone statement. § 87(2)(b) informed the investigator that she would like to speak to her children (who reside with her) and husband before pursuing her complaint. She also stated that she wanted to speak with § 87(2)(b)'s mother before providing contact information for him. On November 14, 2011, a Stop and Frisk Log was requested, which returned with negative results. On November 16, 2011, the undersigned investigator mailed § 87(2)(b) and § 87(2)(b) a please call letter to their home address. On this same date, § 87(2)(b) contacted the investigator to inquire about the details of an investigation at which time she was provided with such information and while she stated that she was interested in pursuing an investigation, she did not wish to schedule an

Investigator: _____ Mercedes Bayon _____ 12/12/11 _____

Supervisor: _____

Reviewer: _____

Reviewer: _____